

EXHIBIT 1

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

CSX TRANSPORTATION, INC.,

Plaintiff,

v.

NORFOLK SOUTHERN RAILWAY
COMPANY, *et al.*,

Defendants.

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) Case No. 2:18-cv-530
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ORDER

Upon consideration of Defendant Norfolk Southern Railway Company's Motion to Exclude Opinions of Professor Howard P. Marvel, and any opposition thereto, and for good cause shown, it is hereby

ORDERED, that Defendant's Motion is GRANTED; and it is further

ORDERED, that, pursuant to Rule 702 of the Federal Rules of Evidence, all opinions and testimony by Professor Howard P. Marvel, as an expert on behalf of Plaintiff CSX Transportation, Inc., is hereby excluded from trial in this matter.

Dated: _____

The Honorable Mark S. Davis
Chief U.S. District Judge
U.S. District Court for the Eastern District of Virginia